

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

C.R.P.No.5365 of 2016

ORDER

This Civil Revision Petition is filed by the judgment debtor challenging the order dated 8.9.2016 passed in I.A.No.1534 of 2016 in O.S.No.227 of 2008 by the Principal Junior Civil Judge, Chirala, Prakasam District.

The petitioner is the defendant. The respondents-plaintiffs filed the said suit seeking declaration of title and permanent injunction. The petitioner herein filed a written statement stating that she purchased the suit schedule property under two registered documents from one Pandaraboina Ramakrishna of Ganjipalem, Chirala and since then, she continued to be in possession of the same. It is her further case that the said Ramakrishna purchased the property on 24.10.1997 from one Suragani Renukamma under two registered sale deeds. It is further stated that she filed certified copies of the above sale deeds. But she did not file the same as averred in the written statement. The evidence of the petitioner was closed on 16.8.2016. On 1.9.2016 she filed an application to recall her evidence for the purpose of marking the said documents, which were mentioned in the written statement. When the said application was dismissed by order dated 8.9.2016, the present Civil Revision Petition is filed.

A perusal of the papers filed along with the present revision discloses that the petitioner stated in her written statement that

with regard to purchase of the property there are two registered sale deeds dated 12.1.2005 and she filed certified copies along with the written statement, but she did not file the same. It appears that the petitioner earlier filed O.S.No.152 of 2006 on the file of the Principal Junior Civil Judge, Chirala and the same was dismissed for non-prosecution. The original documents of the sale deeds were filed in the said suit and nothing prevented her from obtaining the certified copies of the same. The petitioner states that she was examined as DW1 in the present suit. It appears that she sold the property to some third parties during pendency of the present proceedings and the third parties cannot get better title than what she has got since the suit is filed for declaration on the averment that the plaintiffs purchased the property under two registered sale deeds dated 24.10.2007. It is in the fitness of things that the petitioner herein, who is defendant in the suit, shall be allowed to file the documents by permitting her to further depose as DW1 in continuance of her earlier deposition. Probably, the petitioner did not evince any interest in view of sale of the properties to third parties during pendency of the suit and that cannot be a circumstance for her to be negligent in prosecuting the present case.

However, in the interests of justice, this Civil Revision Petition is allowed by setting aside the order dated 8.9.2016 passed in I.A.No.1534 of 2016 in O.S.No.227 of 2008 by the Principal Junior Civil Judge, Chirala, Prakasam District, subject to payment

of costs of Rs.3,000/- to the plaintiffs within a period of two weeks from the date of receipt of a copy of this order. The trial Court shall permit the petitioner to adduce her evidence as DW1 for the purpose of marking of documents. This exercise shall be completed within a period of four weeks. It is open to the plaintiffs to take appropriate objections at the time of marking those documents, if they so chose. The trial Court is directed to dispose of the suit on or before 31.3.2017.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

25th November, 2016
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